

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

2022 AUG 19 PM 2:58

CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Myles Delando Luciano)

Joshua Lopez)

Case No. 22MJ1353

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 27, 2022 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:Code Section
18 U.S.C. § 1951Offense Description
Interference with commerce by threats or violence

This criminal complaint is based on these facts:

See attached "Affidavit"

☒ Continued on the attached sheet.

Complainant's signature

Ryan Buckrop, FBI Special Agent

Printed name and title

Sworn to before me via telephone. and signed in my presence.Date: August 19, 2022

Judge's signature

City and state: Las Cruces, New Mexico

Gregory B. Wormuth, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. This affidavit is made in support of a criminal complaint charging Myles Delando Luciano and Joshua Lopez, with violations of 18 U.S.C. § 1951, Interference with commerce by threats or violence.

2. I am a Federal Bureau of Investigation (FBI) Special Agent currently assigned to the FBI Albuquerque Division, Las Cruces Resident Agency. I have been an FBI Special Agent since August 2016. Since May 2017, I have been assigned to the FBI Southern New Mexico Safe Streets Gang Task Force (SSGTF) where I currently serve as Task Force Coordinator. In that capacity, I oversee the day-to-day operations of the SSGTF and conduct investigations of criminal organizations, violent repeat offenders, and other federal drug and firearm related crimes. As an FBI Special Agent, I am authorized to investigate crimes involving violations of the Hobbs Act.

3. I am familiar with the facts and circumstances of the investigation into Myles Delando Luciano and Joshua Lopez. The information set forth in this affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or reliable sources. Since this affidavit is being submitted for the limited purpose of securing arrest warrants, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendants have committed violations of 18 U.S.C. § 1951.

4. On or about July 27, 2022, Luciano and Lopez entered the Lowe's Home Improvement store located at 3200 N Main St, Las Cruces, NM and attempted to depart the store with an air conditioning unit without paying for the item. Two store employees and an off-duty U.S. Border

Patrol (USBP) agent attempted to stop Luciano and Lopez and confront them about the unpaid merchandise. Luciano produced what appeared to be a handgun and pointed it in the direction of the store employees. The employees and the USBP agent believed the handgun was a real firearm and were in fear for their lives. It was later discovered that the handgun was an air pellet gun which resembled a Sig Sauer P320 handgun. Luciano and Lopez exited the store and fled in a vehicle.

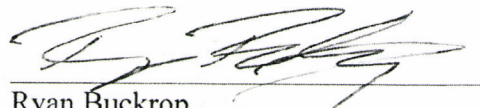
5. Las Cruces Police Department (LCPD) officers were notified shortly thereafter and responded to the incident. LCPD officers located the vehicle in Las Cruces, NM and attempted to stop the vehicle. The vehicle, driven by Lopez and occupied by Luciano, led LCPD officers on a high-speed pursuit which ended near the parking lot located at 775 S Telshor Blvd, Las Cruces, NM. LCPD officers fired at least one round in the direction of Luciano and Lopez and eventually both Luciano and Lopez were taken into custody. The air pellet gun described by witnesses at Lowe's Home Improvement store was recovered from the vehicle driven by Lopez and occupied by Luciano.

6. I am aware the majority of the products sold in the Lowe's Home Improvement store were manufactured and shipped from locations outside the state of New Mexico. Specifically, the Lowe's Home Improvement store is resupplied by warehouses across the United States. The air conditioning unit, worth approximately \$700, was taken during the robbery. Revenue made by the store is transferred to the Lowe's Home Improvement corporate headquarters located in North Carolina. The loss of product affected the store's ability to create revenue needed to re-supply its inventory, therefore affecting interstate commerce.

7. Based on the foregoing, there is probable cause to believe that Myles Delando Luciano and Joshua Lopez violated 18 U.S.C. § 1951, Interference with commerce by threats or violence.

8. Assistant United States Attorney Maria Armijo approved the charges filed in this criminal complaint.

DATED: 08/19/22



Ryan Buckrop
Special Agent
Federal Bureau of Investigation

Electronically signed and telephonically
sworn this ____ August 19, 2022


UNITED STATES MAGISTRATE JUDGE